

REMARKS

The above Amendment and these Remarks are filed in response to the office action mailed March 17, 2008. Claims 1-62 were pending in the Application prior to this amendment. Claims 1, 7, 17, 23, 29, 43 and 49 are amended, leaving for the Examiner's consideration claims 1-62.

I. Claim Rejections under 35 U.S.C. §101

In the Office Action mailed March 17, 2008, Claim 1-22 were rejected under 35 U.S.C. §101. Accordingly, Claims 1, 7, and 17 have been amended as shown above. Applicant respectfully submits that the claim as amended now conforms to the requirements of 35 U.S.C. 101, and reconsideration thereof is respectfully requested.

II. Claim Rejections under 35 U.S.C. §102 & 35 U.S.C. §103

In the Office Action mailed March 17, 2008, Claims 1-18, 21-39, 41-59, 61-62 were rejected under 35 U.S.C. §102(e) as being anticipated by Pace et al. U.S. Patent No. 7,181,731.

In addition, in the Office Action mailed March 17, 2008, Claims 19-20, 40, 60 were rejected under 35 U.S.C. §103(a) as being unpatentable over by Pace et al. U.S. Patent No. 7,181,731.

1. Claims 1-6, Claims 23-28 and Claims 43-48

Claim 1 defines “*each runtime container of the plurality of runtime containers in the first hierarchical architecture can invoke service components within the runtime container and provide state information and context information to the service components based on a metadata object of the plurality of metadata objects in the second hierarchical architecture at a corresponding level.*”

Applicant respectfully submits that, in the pending Office Action, the Examiner refers to a single hierarchical architecture in the EIS framework in Pace that supports for processing EJB components needed for the extensible layer application, or Extended Environment (EE) layer, which in turn supports a Logical/Data (LD) layer via interfacing with the Base Environment (BE) layer to obtain descriptors for assets.

However, there are two hierarchical architectures in the embodiment of Claim 1: one for

organizing runtime container and another for organizing metadata. There is no showing in Pace of the metadata object and the hierarchical architecture capable of organizing the metadata object that is separated from the hierarchical architecture that organizing the runtime containers, even assuming Pace does teach a hierarchical architecture that organizing the runtime containers.

Therefore, Claim 1 is not taught and cannot be anticipated by Pace. For the same reason at least, Claim 23 and 43 are not taught and cannot be anticipated by Pace as well. Hence, Claim 1 and 23; Claims 2-6 which are based on independent claim 1; claims 24-28 which are based on independent claim 23; claims 44-48 which are based on independent claim 43 should all be in allowable condition.

2. Claims 7-16, Claims 29-37 and Claims 49-57

Claim 7, 29 and 49 are similarly amended as Claim 1. Therefore, Claim 7, as well as Claim 29 and 49, is not taught and cannot be anticipated by Pace as stated by the Examiner. Hence, Claim 7 and 29; Claims 8-16 which are based on independent claim 7; claims 50-57 which are based on independent claim 49 should all be in allowable condition.

3. Claims 17-22, Claims 38-42 and Claims 58-62

Claim 17 defines "a first dispatcher component capable of ...dispatching requests requiring asynchronous processing to a queue, and ... dispatching requests requiring synchronous processing directly to a stateful or a stateless component," and "a second dispatcher component capable of ... receiving requests from the queue... and ... dispatching requests requiring synchronous processing directly to a stateful or a stateless component."

Applicant respectfully submits that Pace merely discloses the routing of different assets in a network (Fig. 9 and Fig. 10). Pace does not teach the framework with two different types of dispatcher components working together to handle the request differently according to the criteria such as: *asynchronous or synchronous* and *stateful or stateless*, let alone the detailed mechanism as described in Claim 17.

Therefore, Claim 17 is not taught and cannot be anticipated by Pace as stated by the Examiner. For the same reason at least, Claim 38 and 58 are not taught and cannot be anticipated by Pace as well. Hence, Claim 17 and 38; and Claims 18-22 which are based on independent claim 17; claims 39-42 which are based on independent claim 39; claims 59-62 which are based

on independent claim 59 should all be in allowable condition.

In addition, in response to the Examiner's response, Applicant respectfully submits that the burden is on the examiner to show a *prima facie* case that the claims as currently amended is either anticipated or render obvious by a prior art. The Applicant does not have a burden of "clear proving" without the showing of a *prima facie* case on the Examiner part, such as mapping every limitation in the current claims to a prior art.

III. Conclusion

In view of the above amendments and remarks, it is respectfully submitted that all of the claims now pending in the subject patent application should be allowable, and reconsideration thereof is respectfully requested. The Examiner is respectfully requested to telephone the undersigned if he can assist in any way in expediting issuance of a patent.

Applicant believes that no fee is due with this communication. However, the Commissioner is authorized to charge any underpayment or credit any overpayment to Deposit Account No. 06-1325 for any matter in connection with this reply, including any fee for extension of time, which may be required.

Respectfully submitted,

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